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New York's Proposed Minor Consent Law 'Dangerous' and 'Misleading,' Critics Say

New York state lawmakers are weighing legislation that would allow any child or teen under 18 to seek out and consent to medical treatment — including vaccines, dental procedures, hospitalization and even surgery — without parental consent.

By Suzanne Burdick, Ph.D. 39

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New York state lawmakers are weighing legislation that would allow any child or teen under 18 to seek out and consent to medical treatment — including vaccines, dental procedures, hospitalization and even surgery — without parental consent, as long as the minor appears to have the mental capacity for making that decision.

Assembly Bill A6761, introduced by New York Assemblymember Karines Reyes (D-Bronx), also would allow Medicaid funds to pay for procedures and drugs administered to children.

Proponents of the legislation, such as the American Civil Liberties Union of New York, say the measure is about ensuring all youth have access to quality care.

But critics, including John Gilmore, founder and executive director of the nonprofit Autism Action Network, said the bill is dangerous.

"The bill's biggest problem," Gilmore told The Defender, "is that it allows any medical procedure to be done to children of any age without parental knowledge or consent. That's the kicker."

Gilmore said the bill has another problem, too: The "active summary" statement on the official New York Assembly website says it "allows homeless youth to give effective consent to certain medical, dental, health, and hospital services."

But Gilmore said that statement is "deliberately misleading" because the bill's text applies to more than just "homeless" youth seeking "certain" services.

The bill states:

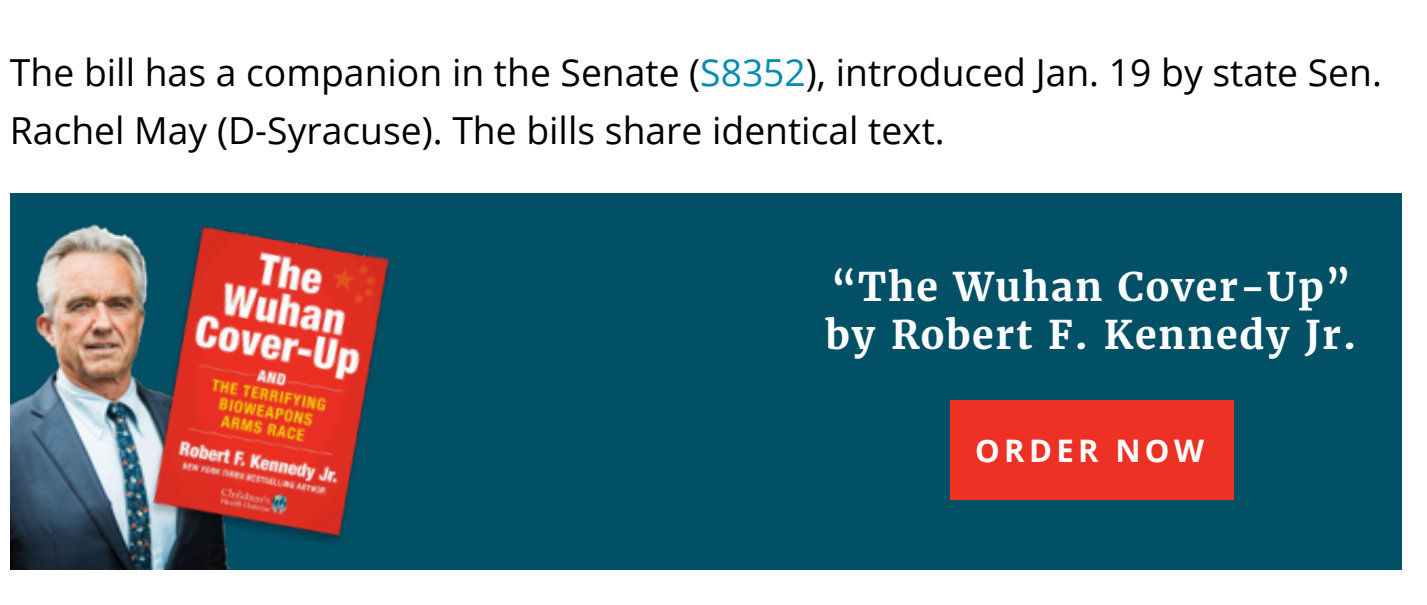
> "Any person, including a minor, who comprehends the need for, the nature of, and the reasonably foreseeable risks and benefits involved in any contemplated medical, dental, health, and/or hospital services, and any alternatives thereto, may give effective consent to such services for themself, and the consent of no other person shall be necessary."

"Albany is lying" about the bill, according to Autism Action Network.

Michael Kane, a New York resident and founder of Teachers For Choice, agreed. "It's a complete lie to say the bill applies only to homeless children or runaways — and it's a dangerous one," Kane told The Defender. "It's imperative that legislators understand what the bill really does," Kane said.

With New York lawmakers considering close to 10,000 bills, legislators may rely on a bill's one-sentence summary — rather than reading its full text — for deciding how they vote, according to Gilmore.

The bill has a companion in the Senate (S8352), introduced Jan. 19 by state Sen. Rachel May (D-Syracuse). The bills share identical text.


"The Wuhan Cover-Up" by Robert F. Kennedy Jr.
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Unclear how practitioners would assess minor's 'capacity to comprehend'

According to the latest version of the bill, a minor could consent to:

- General medical, dental, health and hospital services.
- Mental health outpatient services.
- Substance abuse treatment.
- Immunizations.
- Family planning services.
- Sexually transmitted disease (STD) diagnosis and treatment.

The bill states that a practitioner may administer a vaccine if "they have reason to believe that a person in parental relation to the child … objects to the immunization."

It also states, "A child who may give effective consent [to various medical interventions] … may give such consent to their own immunization, and the consent of no other person shall be necessary."

The bill allows minors under 16, in certain circumstances, to access psychotropic drugs or psychotherapy without parental consent.

Psychotropic drugs include a host of pharmaceutical products, including medications for depression, anxiety, sleep disorders, schizophrenia, bipolar disorder and attention-deficit/hyperactivity disorder.

Current New York law allows minors 16 or older residing in a hospital to agree to psychotropic medications without parental consent if any of the following conditions are met:

- A parent or guardian "is not reasonably available" and the physician determines "the minor has the capacity"; or
- requiring parental consent "would have a detrimental effect on the minor"; or
- the parent has refused consent, providing that two physicians (including a psychiatric doctor who does not work for the facility) agree the medications are in the minor's best interests.

A6761/S8352 would allow minors under 16 in these circumstances to do the same, as long as the youth "comprehends the need for, the nature of, and the reasonably foreseeable risks and benefits involved."

The bill does not include detailed information on how medical practitioners would assess a minor's capacity to comprehend the potential risks of a potential treatment.

It does, however, define "capacity" as follows:

> "The minor's ability to understand and appreciate the nature and consequences of the proposed treatment, including the benefits and risks of, and alternatives to, such proposed treatment, and to reach an informed decision."

Children's Health Defense General Counsel Kim Mack Rosenberg told The Defender that informed consent is a "serious" thing, but this legislation devotes "little attention to how to determine if a child can truly exercise informed consent, how to obtain that consent and why true informed consent is critically important."

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Who is a 'minor'?

The bill does not provide a clear definition of "minor" that applies across all amended laws. However, some sections of the law define or describe the age thresholds related to minor consent:

- In the amendments to the mental hygiene law section 9.13(a), anyone under 16 would still need parental/guardian consent to be admitted as a voluntary patient to a hospital.
- In amendments to mental hygiene law 33.21(a)(1), a "minor" is defined as a person under 18, excluding some special cases like emancipated minors or minors who are parents.
- In amendments to section 2305 of public health law, treatment for STDs without parental consent is allowed for those under 21.

However, earlier sections of the bill do not specify any age range for minors, suggesting even young minors could consent as long as they demonstrate appropriate "capacity."

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Even infants?

It appears the bill's sponsors may believe that even an infant can give consent. That's because section 18 of public health law omits previous language stating that children older than 12 can determine who gets access to their medical records.

This deletion suggests that a child of any age no longer "may" but "shall be notified of any request by a qualified person to review their patient information" and deny access to it if they so desire.

The bill states that an infant can choose to withhold information from its parents, without explaining how that would be possible:

In summary, there isn't one definition of "minor" in the bill, but it seems for most purposes "minor" refers to anyone under age 18.

Minor consent bills 'bulldoze' over decades of laws honoring parental rights

The U.S. has a strong legal history going back many decades that honors parental rights and recognizes that the state should step in only where parents are unfit to care for their children, Rosenberg said.

"Minor consent bills bulldoze over those longstanding decisions," she said. "They try to exclude parents from medical decision-making and take over the parenting role."

Rosenberg said she's seen more bills like this recently being introduced in other states, such as Vermont. "We [CHD] successfully stopped one and one in the District of Columbia and are fighting laws and regulations elsewhere," she said.

Kane called the bill "just horrendous" because it "completely eradicates parental control over what happens medically to our children."

Meanwhile, a staff member for Reyes' office who chose to remain anonymous told The Defender she disagreed, saying the bill was primarily about ensuring all kids have "access to care" and that it included "guardrails" to ensure that not all parental consent was stripped away in all situations.

For instance, the bill explains that a minor must "knowingly and voluntarily" seek care, the staff member said.

But Rosenberg said she's concerned about the legal ramifications of the bill's broad language — which appears to erase parental consent for "any contemplated medical, dental, health, and/or hospital services, and any alternatives thereto."

Rosenberg told The Defender the bill was "rife with problems too numerous to address in brief remarks."

The bill makes clear, she said, that minors can consent to vaccinations without their parents' knowledge or consent — and that medical staff and insurance companies must hide that vaccination information from the parents unless the child permits them to share it.

Children "literally may inadvertently take their lives into their own hands" if they make serious healthcare decisions without parental involvement, Rosenberg said.

For example, children frequently don't know their own health history — let alone their family health history — which may put them at an increased risk for an adverse reaction to a medication or treatment, she explained.

Rosenberg said:

> "The legislators supporting these bills need to ask themselves what they would do if a child or grandchild of theirs consented to a surgical procedure of whatever kind requiring anesthesia and the child suffered death or irreversible harm if they had a reaction to the anesthesia.
>
> "Is that a phone call they'd like to receive?"

'Not a chance' bill's sponsors unaware of misleading statement

New York already has a law on the books about homeless youth giving consent for certain services.

Passed in 2022, A09604/S08937 allows "runaways and homeless youth under the age of 18 who are receiving approved crisis or support services to consent to medical, dental, health and hospital services."

Gilmore, who has done legislative analysis in New York for 23 years, said, "Both Rachel May and Karines Reyes voted for the bill that was passed in 2022."

So why would they talk about homeless youth in the summary of the new measure they introduced?

A staff member for Reyes' office told The Defender a bill's summary statement is written by lawyers — not by the legislator who introduces the bill.

It's plausible the lawyers chose that language since the bill amends the same section of public health law (2504) that was amended earlier in the law about homeless youth and runaways, the staff member said. However, the staff member confirmed that the present bill does pertain to all minors.

The Defender also reached out to May's Legislative Director Eric van der Vort, but he did not respond by our publication deadline.

Gilmore said he contacted legislators, too, but didn't get a straight answer. When he asked van der Vort about the summary language, "he simply refused to address it in any way," Gilmore said.

Reyes' Chief of Staff Justin Westbrook-Lowery confirmed for Gilmore that the bill applies to all minors in New York but didn't explain why the summary statement talked about homeless youth.

Amy Paulin (D-Scarsdale), who chairs the Assembly Committee on Health and co-sponsored the bill, "has a large staff and they're very good at what they do," Gilmore said. "There's not a chance that they aren't quite aware" that the bill's summary statement doesn't match what the bill would do.

Kane said he's heard from New York legislators and staffers that they believe the bill affects only homeless children.

"There's a lot of people in the Assembly starting to co-sponsor the bill, which is scary," he said. "We don't want this thing passed so that we end up litigating against it for the next five years."

The Defender asked May's media relations staff what May would like to tell parents concerned about being excluded from medical decision-making regarding their child's health, but did not receive a response by our publication deadline.

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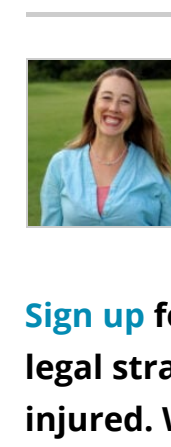

Suzanne Burdick, Ph.D.
Suzanne Burdick, Ph.D., is a reporter and researcher for The Defender based in Fairfield, Iowa.

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Ricky Ricardo
2 months ago
I'm going to ask again: What planet have I been transported to? These evil minions want to destroy the entire family unit - and everything else that is good and natural!
26 0 Reply

Kim Possible
2 months ago
So if a 5 year old can consent to a sex change operation then obviously that child can also consent to sex. I mean I think that that's what this is going for ?
18 0 Reply

Nancy Rice → Kim Possible
2 months ago
Bingo - that is the end goal for these pedophile parasites. They don't want to have to hide their lust anymore. Well it's the children that will unite the world against this. This is the work of Satan.
9 0 Reply

Peter van der Stam → Nancy Rice
2 months ago
I don't think that it IS the work of Satan. It is the work of pedophiles in governments.
2 1 Reply

Dave Fletch → Peter van der Stam
2 months ago
Same thing
2 0 Reply

Ricky Ricardo → Kim Possible
2 months ago edited
I have many documents from the UN, WEF and WHO in my library. This is one of them. Yes, they want five year olds to know all about "sex". They are all Satanists! The relevant text begins around page 22
https://share-netinternatio...
3 0 Reply

Peter van der Stam → Ricky Ricardo
2 months ago
If a child ask questions about sexual matters, those questions have to be answered in a sexeble manner.
Dont send them away like my mother did with me when I was about 8 years of age.
I got the answer anyway.
2 0 Reply

meanymom54 → Kim Possible
2 months ago edited
It is interesting that The Defender does NOT highlight either the transgender mulitation or the abortion issue. To me that says a lot. Remember this group is great on vaccine issues but not on other issues.
2 0 Reply

iwonna55 → Kim Possible
2 months ago
The UN says that 5 yers old should have sexual partner . Should we listen to this sic people .
https://stopworldcontrol.co...
0 0 Reply

tony
2 months ago
So then can we draft minors into the upcoming WW3? I mean, if they appear "competent" right?
9 0 Reply

toddyo1935
2 months ago
Lest we forget it wasn't more than three years ago members of the NY Legislature cheered and celebrated when the Governor signed their bill allowing the killing of infants after birth if the mother so decides. Not sneaking it through, but demonically gloating as if they were part of the current global woke religion which celebrates abortion as a "sacrament."
https://docs.google.com/doc...
8 0 Reply

Jane
2 months ago
Sure, and i also think kids under 18 should then be allowed to marry, to consume alcohol and drive vehicles, if they have the mental capacity to do so, oh yes and take recreational drugs and leave school at what ever age they feel that they have learned all they need. Truly great ideas. Let's get to it!!!!
7 0 Reply

Ricky Ricardo → Jane
2 months ago
The UN and the other 2 also want children as young as 5 to learn about sex! I have their own documents on this. I can guarantee you that at some point, we will see laws passed that allow pedophilia. Of course; it will be called something that sounds a bit nicer, like "Consensual Sex With Minors". These people are evil and fully intend to unleash evil on the entire world! "Drag Queen Story Time" was only the beginning.
2 0 Reply

Jane → Ricky Ricardo
2 months ago
I agree. It's all quite disgusting. And very infuriating what double standards they have about kids. You can't drive a car til responsible, yet you can cut bits off your own body stc ad infinitum
4 0 Reply

Dave Fletch → Jane
2 months ago
And buy their own guns
0 0 Reply

r2bzjudge
2 months ago
Gilmore said he contacted legislators, too, but didn't get a straight answer. When he asked van der Vort about the summary language, "he simply refused to address it in any way," Gilmore said.

That is an attempt to deceive.
7 0 Reply

mikies123 → r2bzjudge
2 months ago
Deceiveacrats
2 0 Reply

X8c5
2 months ago
So happy moved my family out of that POS state in 2019. Every one of these "law makers" should be sued up the wazoo if any child is harmed or killed should these laws become effective.
6 0 Reply

holisticpoet
2 months ago
It is very troubling that those who are attempting to implement this bill have neglected to consider that mothers and fathers must be responsible for their offspring, yet they are taking away a portion of that responsibility that can affect all of them for the rest of their lives. This is just wrong and those implementing this bill may find out just how bad it is when it affects their own offspring.
6 0 Reply

vgupta123 → holisticpoet
2 months ago
Most of the people voting for these bills don't have minor children (or any children).
1 0 Reply

Ricky Ricardo
2 months ago
I mentioned previously, about Google's plan to develop a sign-in page with "a new look and feel". Occasionally, a page pops up asking if I would like to give them my phone number, etc. for "secondary authorization". Of course, I click on later. I suspect that their "new look and feel" might include options for facial recognition and/or fingerprint scan. Keep in mind that Google/Youtube, Microsoft and others have HUNDREDS of "partners". Every time you "agree" to their Terms of Service, you are giving "them" permission to share all of your private data with hundreds of other entities. Remember that, the next time you have the mistaken belief that you have any kind of anonymity/privacy online.
4 0 Reply

QuentonQuale
2 months ago
New York state is a horrible place to live. One of highest property taxes in the nation, an (apparently) insane governor that wants to create "quarantine camps" for anyone found to have any disease determined by them (very useful for filing away dissidents) and now this. Get out of NY state before it's too late.
4 0 Reply

Brian Collcott → QuentonQuale
2 months ago
You have to wonder how so many people have become so crazy in recent years as to let this happen.
0 0 Reply

Ricky Ricardo
2 months ago
I may as well mention this again: about the mRNA Gene Editing shot for Cancer. It's close...what could possibly go wrong! As far as "waiting for approval" goes; anyone who's been paying attention knows that it will be approved! Everything from Big Pharma is "approved". Announcing it, is nothing but a formality.
https://www.mskcc.org/news/...
https://www.cancer.gov/news...
4 0 Reply

Jacek R → Ricky Ricardo
2 months ago edited
C'mon Ricky, this shot is going to be safe and effective.

And those links you provided are very zombie-like.
3 0 Reply

Ricky Ricardo → Jacek R
2 months ago
JR; you must be psychic...who would have thought - another "Safe and Effective" injection. If that's true...I feel better already; although, I won't be getting any shot - I'm allergic to evil agendas. ;)
1 0 Reply

Kelley Sussman
2 months ago
this is EVIL & SICK on every level , Why are they so determined to strip our children of their innocence. When did we land in the Twilight Zone .
2 0 Reply

Not Chicken Little
2 months ago
Just when you think New York couldn't get any nuttier...I cannot comprehend the mind of someone who thinks this is a good idea. Unless they are evil and want more chaos and misery in the world. Oh wait that's pretty much the goal of every socialist/communist...
1 0 Reply

Gary Brown
2 months ago
February 13, 2024 COVID-19 Vaccine-associated Mortality in the Southern Hemisphere

Abstract: Seventeen equatorial and Southern-Hemisphere countries were studied (Argentina, Australia, Bolivia, Brazil, Chile, Colombia, Ecuador, Malaysia, New Zealand, Paraguay, Peru, Philippines, Singapore, South Africa, Suriname, Thailand, Uruguay), which comprise 9.10 % of worldwide population, 10.3 % of worldwide COVID-19 injections (vaccination rate of 1.91 injections per person, all ages), virtually every COVID-19 vaccine type and manufacturer, and span 4 continents.
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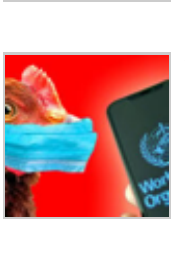
WHO, Media Drum Up Fear of Bird Flu Spreading to Humans

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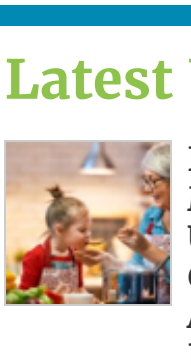
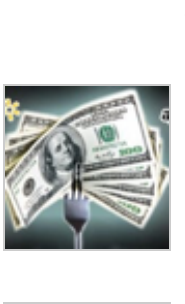

How What You Eat May Change Your Unborn Children's Genes — and Affect Their Health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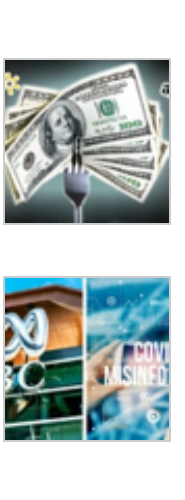
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1 0 Reply

Anne Can't Stand It!
2 months ago

Attached is a cartoon I did about this horrific bill. A link to contact elected so-called representatives, and info about the Rally to Protect Our Kids on Thursday 2/22/24 at the office of Assemblymember Karines Reyes are included with the cartoon at https://open.substack.com/p....

see more

0 0 Reply

John Stone Mod → Anne Can't Stand It!
2 months ago

The evil knows no bounds.

0 0 Reply

iwonna55
2 months ago

"as long as the minor appears to have the mental capacity for making that decision."........people who want to pass this are idiots . They should read TIME's magazine from May 10 2004 "Secret of The Teen Brain" where they say the study of the brain revealed that area of the brain where rational decisions are made are still not fully developed at age 22. They want to trust teenagers who APPEARS to "have mental capacity" ????? They are crazy.

0 0 Reply

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